Government of Saskatchewan

Annual Report 2002

Saskatchewan Public and Private Rights Board

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Letter of Transmittal

March 28, 2003

Honourable Lorne Calvert
President of Executive Council

Dear Mr. Premier:

As per subsection 6(3) of *The Expropriation Procedure Act*, I have the honour to submit to you the Annual Report of the Public and Private Rights Board for the period January 1, 2002 to December 31, 2002.

Respectfully submitted,

K. W. Acton
Chairman

Staff

The staff of the Public and Private Rights Board are:

K. W. Acton, Chairman
Verna LeBlanc, Administrative Assistant

Message from the Chairman

Under *The Expropriation Procedure Act*, the Public and Private Rights Board has the authority to review matters relating to the expropriation of land or the intention to acquire land by expropriating authorities. The Board investigates claims and manages negotiations between landowners and expropriating authorities in an effort to help the parties reach mutually acceptable solutions.

Landowners may request the Board to review either or both:

a. the route, situation or design of a public improvement;
b. the amount of compensation offered for the expropriated land.

The primary role of the Public and Private Rights Board is dispute resolution. The Board assists landowners and expropriating authorities in reaching agreement on the most appropriate route or design of a public improvement and / or what fair and reasonable compensation should be paid for the required land or easement.

> *"The primary purpose of compensation is to place the owner whose land has been taken in the same position financially as he was prior to the taking. On the one hand, the owner should not receive a windfall or unjust enrichment as a result of the taking. On the other hand, the owner should not be required to shoulder an economic loss for the general public benefit which is achieved as a result of the taking."*

(Expropriation in Canada – A Practitioner's Guide, by Kenneth J. Boyd, Canada Law Book Inc., Aurora, Ontario, 1988, p.27).

Activity levels increased in 2002 with the Board receiving higher numbers of both informal and formal requests for assistance. There were eleven cases commenced in 2002 that required a formal negotiation process.

Seven of the 2002 cases before the Board involved Saskatchewan Highways and Transportation with issues relating to a number of highway projects. These projects included extensions to the twinning of the Trans Canada and Yellowhead highways and improvements to other primary roads in the province.

A note of thanks to Property Services of Saskatchewan Highways and Transportation for their co-operation with the Board and for working diligently with landowners in the dispute resolution process.

The Board will continue to extend opportunities for field staff from each primary expropriating agency to train in collaborative problem solving and decision making. The training has been well received by those involved, and it appears to have a positive impact on the dispute resolution between agencies and members of the Saskatchewan public.

Tables

A. Number and Nature of Claims Received, Negotiated, Completed, Withdrawn and Carried Forward by the Board in 2002

I. Number and Nature of Claims Negotiated in 2002

a.	Carried forward from 2001:	
	i) Route, Situation or Design	2
	ii) Compensation	0
	Subtotal	2
b.	New claims received in 2002:	
	i) Route, Situation or Design	8
	ii) Compensation	3
	Subtotal	11
	Total	**13**

II. Number and Nature of Claims Completed in 2002

i)	Route, Situation or Design	1
ii)	Compensation	4
	Total	**5**

III. Number and Nature of Claims Withdrawn in 2002

i)	Route, Situation or Design	1
ii)	Compensation	0
	Total	**1**

IV. Number and Nature of Claims Carried Forward into 2003

i)	Route, Situation or Design	4
ii)	Compensation	3
	Total	**7**

B. Number and Nature of Claims Received by the Board in 2002 (by Expropriating Authority)

Expropriating Authority	Route Situation or Design	Compensation	Total
SaskTel	1	0	1
SaskPower	0	0	0
Highways	5	2	7
Miscellaneous	2	1	3

C. Number and Nature of Claims Initiated with the Board in 2002 (by Expropriating Authority)

Expropriating Authority	Route Situation or Design	Compensation	Total
SaskTel	1	0	1
SaskPower	0	0	0
Highways	5	2	7
Miscellaneous	2	1	3

D. Resolution of Claims Initiated with the Board in 2002 (by Expropriating Authority)

Expropriating Authority	Negotiated Successfully	Negotiated Unsuccessfully	Withdrawn	Total
SaskTel	0	1	0	1
SaskPower	0	0	0	0
Highways	3	1	0	4
Miscellaneous	0	0	1	1

E. Number and Nature of Claims Received by the Board (1992 – 2002)

Year	Route, Situation or Design	Compensation	Total
1992	2	5	7
1993	1	1	2
1994	3	3	6
1995	3	3	6
1996	3	4	7
1997	2	4	6
1998	3	6	9
1999	0	2	2
2000	3	3	6
2001	2	2	4
2002	8	3	11

F. Number of Claims Received by the Board by Expropriating Authority (1992 – 2002)

Year	Conservation & Development Area Authorities	SaskTel	Sask Power	Sask Energy	Sask Hwys	Misc.
1992	0	3	0	0	3	1
1993	0	0	0	0	0	2
1994	0	2	1	2	0	1
1995	0	4	0	2	0	0
1996	0	4	2	0	0	1
1997	0	2	3	0	0	1
1998	0	4	2	0	1	2
1999	0	1	0	0	0	1
2000	0	4	0	0	2	0
2001	0	1	0	0	1	2
2002	2	1	0	0	7	1